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STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING DISTRICT OFFICE



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Wetland Ponds

Often landowners ask about constructing a pond and inquire whether a permit from the state is necessary. The first issue to review is whether the pond will be located in wetland and if so, is that wetland regulated by the state.

A wetland is determined to be state regulated pursuant to Part 303 Wetland Protection, of the Natural Resources and Environmental Protection Act (NREPA), P.A. 451 of 1994, as amended, if a wetland has a direct or seasonal surface water connection to an inland lake (5 acres or greater in size), a pond (1-5 acres in size), river, or stream or is within 500 feet of the above mentioned waterbodies; or has a total area greater than 5 acres in size.

Wetland is defined as land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh.

To start the process to find out if your proposed pond location is in regulated wetland you can begin at the DEQ Wetland Map Viewer at this link.

<https://www.mcgi.state.mi.us/wetlands/textSearch.html> The map will give you a ball-park answer, so if the pond is close or within wetland on this map, you'll know you have to get expert help on your property to confirm exactly where the wetland boundary is located. Keep in mind that on-line mapping of wetlands is not precise, and the true wetland boundary has to be identified by an expert with boots on the ground. Below are more instructions for using the Wetland Map Viewer.

http://www.michigan.gov/deq/0,4561,7-135-3313_3687-10193--,00.html

Wetland consultants can identify the exact wetland boundary on your land and once you have that information you can then decide about the location of your pond. Here's the link to wetland consultants that have asked to be posted on the DEQ web site:

http://www.michigan.gov/deq/0,4561,7-135-3313_3687-421097--,00.html

When it comes to getting a permit, the location and amount of wetland within the foot print of your pond affects how your request will be processed. One permitting track is through **Minor Project #34 Wetland Pond** with a \$100.00 application fee. This processing track allows the greater likelihood that a permit can be issued because the allowed impact to wetland is limited to one third of an acre or 14,520 square feet. Keep in mind that all the excavated materials must be moved outside of wetland. See the full description of MP #34 at this link: https://www.michigan.gov/documents/deq/wrd-minor-project-categories_555829_7.pdf

The second processing track for an application for a pond impacting wetland is the Public Notice or individual permit tract. This track includes a \$500.00 application fee and a 20 day comment period for the Public Notice. The adjacent landowners, the local government and the MDNR and under certain circumstances the EPA will get a copy of the notification and the general public is allowed to comment. Within this process one of the “hoops” an applicant would have to jump through is written into the law which says the MDEQ *shall not issue a permit if there is a feasible and prudent alternative*. This puts the burden on the applicant to demonstrate in the application that the feasible and prudent options to avoid or minimize wetland impacts have been exhausted. For example, to **avoid** wetland the pond could be adjacent to wetland but not into the wetland or to **minimize** impacts, you could have only a small part of the pond in wetland and have the rest of the pond extend into an area that is not wetland. While having a pond in wetland assures you will have water in the pond, you can also dig next to or only partially into wetland. When drawing up your plans, keep in mind that a condition of all pond permits is to move all excavated materials outside of wetland. The statute and rules can be read at this link: http://www.michigan.gov/deq/0,4561,7-135-3313_71520_24403-67376--,00.html

Apply for the permit on line at MiWaters.

<https://miwaters.deq.state.mi.us/miwaters/external/home>

Instructions for the DEQ Wetland Map Viewer

1. Click on Search tools, and put the cursor into the search box and add the address of your site, hit enter. The next view will show orange and green colors on the landscape of hydric soils, National Wetland Map information and the Michigan Final wetland inventory. To turn off the colors click on Map View and the legend opens up. There you can click check boxes to turn on and off the layers of interest.
2. In Wetland Map Viewer, you can right click on the specific spot where you need information. “Right click” will open a new panel on the left that you can scroll down to see MIRIS map data, National Wetland data and Soils data. Here it will tell you the acreage of a wetland and it will outline or highlight the area on the map for you.

Additional statutes may apply to your pond project:

- Part 301 Inland Lakes and Streams: A permit under only Part 301 is required where a pond is planned within 500 feet of water body like a lake, stream or county drain, or a pond that will end up being five acres in size, and this includes sand and gravel mining. Hydraulic analysis may be needed for large ponds and lakes so contact your field agent at the Lansing District for details.
- Part 31 Flood Plains: If a pond will be constructed in flood plain, then a permit is needed if the excavated material or spoils will be left in the flood plain. If spoils will be removed from the flood plain, then a permit is not needed under Part 31 Flood Plains.

MIWATERS

Online Permitting System

Thank you for your interest in applying on-line for your MDEQ permit or other services. Below are step by step instructions and links to You Tube for assistance.

You Tube: Using MiWaters

http://www.michigan.gov/deq/0,4561,7-135-3313_72753-360888--,00.html

Additional MiWaters Instructions:

http://www.michigan.gov/deq/0,4561,7-135-3313_72753---,00.html

1. In order to access MiWaters, you must first have an account. To create an account, go to <https://miwaters.deq.state.mi.us/miwaters/#/external/home> and select "create an account". Complete the "Create an Account" process and sign-in to MiWaters.
2. To submit a new application, read through the "Getting Started" message on the main MiWaters Page after signing in.
3. To submit the application, please select the text "**browsing the available application, service request and report forms**".
4. If you are starting on the form for the first time, select the "start new form" box, then click the window "All other forms".
If you already started filing out a form use the "drafts and submitted apps/requests" box to find your draft.
5. From the Start new forms list, for Wetland, Lakes and Streams permits choose: *Application - MDEQ/USACE Joint Permit Application (JPA)*. You can search in the top box "from name" using key word "JPA" to pull up the application. Then select MDEQ/USACE Joint Permit Application.
6. For a *Service Request - Pre-Application Meeting Request Part 301 (Inland Lakes and Streams), Part 303 (Wetlands Protection) or Service Request - Wetland Identification Application (WIP Request)* select the appropriate form from the list. Search key words: Pre or WIP.
7. Your Site name is your County, then street address: Ex. "Lapeer-123 Main Street Metamora"
8. Completing an application on line includes uploading the project plans as separate documents.
9. Payment can be made on line or follow the directions for submitting the application fee by mail. Be sure to print the voucher and mail the payment to the address in Lansing listed on the voucher.

Complaints and Public Notice searches:

You do not have to have an account to view current Public Notices or submit a complaint. Go to this website and scroll to the bottom. Public Notice Files are only available during the 20-day Public Comment period.

<https://miwaters.deq.state.mi.us/miwaters/#/external/home>

For more information press the control key and click the links below:

[Wetland Information for Property Owners, Realtors, and Potential Buyers](#)

[Pond Construction Information for Permit Applicants](#)

[Floodplain Information for Property Owners, Realtors, and Potential Buyers](#)

[Great Lakes Shorelines Information for Permit Applicants](#)

[Beach Sanding and Fills for Swim Areas on Inland Lakes](#)

[Docks, Boat Hoists, and Swim Rafts on Inland Lakes and Streams](#)

[Shoreline Erosion Protection on Inland Lakes and Streams](#)

[Vegetation Removal in Inland Lakes and Streams](#)

Inland Lakes and Streams information

http://www.michigan.gov/deq/0,4561,7-135-3313_3681_28734---,00.html

Wetland information

http://www.michigan.gov/deq/0,4561,7-135-3313_3687---,00.html

[If you need further assistance contact](#)

Lansing District Supervisor

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Carol Valor at valorc@michigan.gov or 517-388-3667.

Livingston and Gratiot Counties:

Jeff Pierce PierceJ2@michigan.gov 517-416-4297

Genesee and Clinton Counties:

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